

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                            |   |                         |
|----------------------------|---|-------------------------|
| SCOTT WILL, et al.,        | ) |                         |
|                            | ) |                         |
| Plaintiffs,                | ) |                         |
|                            | ) |                         |
| vs.                        | ) | Case No. 4:07CV1819 CDP |
|                            | ) |                         |
| METLIFE INS. CO. OF CONN., | ) |                         |
| et al.,                    | ) |                         |
|                            | ) |                         |
| Defendants.                | ) |                         |

**MEMORANDUM AND ORDER OF REMAND**

This matter is before me on plaintiffs' motion to dismiss defendant Metropolitan Life Insurance Company and to amend the complaint and add an additional non-diverse defendant. This case was originally removed from state court by Metropolitan Life on the basis of federal question jurisdiction. Specifically, Metropolitan Life claimed that plaintiffs' claims against it were governed by ERISA. Plaintiffs now seek leave to dismiss their claims against Metropolitan Life. If I grant their motion, there is no basis for federal jurisdiction over this case. Plaintiffs' proposed amended complaint contains no federal claims. Instead, it asserts only state law claims for rescission and conversion against Missouri residents. Plaintiffs are also Missouri residents, so diversity of citizenship does not exist. Under these circumstances, I will exercise my

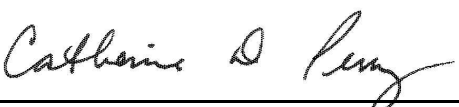
discretion and grant plaintiffs' motion for leave to dismiss their claims against Metropolitan Life and their motion to amend the complaint and for joinder. I will then remand this action back to state court for lack of subject-matter jurisdiction. See 28 U.S.C. § 1447(c)-(e).

Accordingly,

**IT IS HEREBY ORDERED** that plaintiffs' motion to dismiss Metropolitan Life Insurance Company [#12] is granted, and plaintiffs' claims against Metropolitan Life Insurance Company are dismissed without prejudice.

**IT IS FURTHER ORDERED** that plaintiffs' motions to amend and for joinder [#13] are granted, and the amended complaint is deemed filed today.

**IT IS FURTHER ORDERED** that this action is remanded to the Circuit Court for St. Charles County, Missouri.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 17th day of March, 2008.